

**United States District Court
for the District of Massachusetts
Report on Offender Under Supervision**

Case Number: 15CR10284

Name of Offender: David Turner Sr.

Name of Sentencing Judicial Officer: Honorable George A. O'Toole, U.S. District Judge

Date of Original Sentence: September 07, 2017

Original Offense: Unlawful Use of a Communication Facility, in violation of 21 U.S.C. 843(b)

Original Sentence: 60 Months of Probation

Type of Supervision: Probation

Date Supervision Commenced: 9/7/17

NON-COMPLIANCE SUMMARY

Violation Number Nature of Noncompliance

I

Violation of Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On 1/25/18 and 2/1/18, David Turner submitted a urinalysis specimen for testing that resulted as positive for Fentanyl. When questioned about the results, he admitted to taking what he believed to be an Oxycodone pill that he obtained from a "friend." At that time, he was prescribed Oxycodone to manage his pain related to chronic medical issues. The Court was previously notified of these results.

On 5/22/18, 5/30/18, and 6/11/18, Mr. Turner submitted urinalysis specimens for testing that tested positive for cocaine. He adamantly denied using cocaine, but admitted to having an intimate sexual relationship with a woman who was using cocaine in his presence. He remained adamant that he did not use cocaine. He offered that he believed that he was testing positive for cocaine due to having close physical contact with her immediately after she had used cocaine. When discussing the test results he advised that his doctor informed him that due to his medical issues related to chronic liver disease, his body is unable to metabolize substances in a normal fashion and that substances will remain in his body for a lengthier period of time. He did provide medical documentation to verify this claim.

U.S. Probation Officer Action:

As noted above, Mr. Turner previously tested positive for Fentanyl on two occasions. Mr. Turner also tested positive for cocaine on three instances. Given these results, pursuant to 18 U.S.C. § 3583(g)(4), Mr. Turner is facing revocation based on five (5) positive drug tests in a calendar year. The Probation Department is respectfully requesting that the Court adopt the treatment exception pursuant to 18 U.S.C. § 3583(d) in lieu of revocation at this time. Mr. Turner is involved in substance use disorder treatment and we will be increasing his

level of care and treatment in addition to increasing the frequency of his drug testing. At this time, no further action is being requested of the Court. In the event that Mr. Turner continues to test positive for illicit substances, the Probation Office may revisit our position. If the Court agrees with this plan, please indicate so below.

Respectfully submitted,

Reviewed and approved by:

/s/ Andrew J. Laudate

Andrew J. Laudate

Supervising U.S. Probation Officer

/s/ Thomas C. Mullen, III

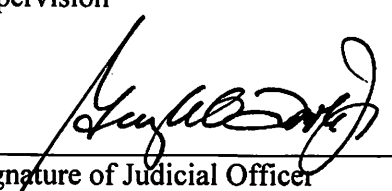
by Thomas C. Mullen, III

Senior U.S. Probation Officer

Date: 7/30/2018

No Response is necessary unless the court directs that additional action be taken as follows:

- ☒ Approved
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other



Signature of Judicial Officer

8/3/18

Date